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In re Application of
Barry S. Bosik, Amit Garg, Rajeev B. Patil,
and Jeffrey L. Tuttle
Application No. 10/026,281
Filed: December 18, 2001
Attorney Docket No. 2000-0674A
Title CALL MANAGEMENT SYSTEM
RESPONSIVE TO NETWORK PRESENCE

OFFICE OF PETITIONS

DECISION ON PETITION
UNDER 37 C.F.R. §1.137(f)

This is a decision on the petition filed on May 19, 2003, pursuant to 37 C.F.R. §1.137(f), to revive the above-identified application.

A grantable petition pursuant to 37 CFR 1.137(f) must be accompanied by:

- (1) Notification of the filing of an application in a foreign country or under a multinational treaty that requires 18 month publication¹;
- (2) The petition fee as set forth in 37 C.F.R. § 1.17(m), and;
- (3) A statement that the entire delay in filing the notice from the date that the notice was due under 35 U.S.C. §122(b)(2)(B)(iii) until the date the notice was filed was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional.

Petitioner states that the instant nonprovisional application is the subject of an application filed in an international application on December 13, 2002. However, the United States Patent and

¹ See PTO/SB/36 and paragraph on PTO/SB/64a for further information. Both may be downloaded at <http://www.uspto.gov/web/forms/index.html>.

Trademark Office was unintentionally not notified of this filing within 45 days subsequent to the filing of the subject application in a foreign country².

In view of the above, this application became abandoned pursuant to 35 U.S.C. §1.22(b)(2)(B)(iii) and 37 C.F.R. §1.213(c) for failure to timely notify the Office of the filing of an application in a foreign country, or under a multilateral international agreement, that requires publication of applications 18 months after filing.

The petition is **GRANTED**.

Petitioner has submitted the notification of an international filing, paid the petition fee, and has made the proper statement of unintentional delay.

The instant petition has been found to be in compliance with 37 C.F.R. §1.137(f). Accordingly, the failure to timely notify the Office of a foreign or international filing within 45 days after the date of filing of such foreign or international application as provided by 35 U.S.C. §122(b)(2)(B)(iii) and 37 C.F.R. §1.213(c) is accepted as having been unintentionally delayed.

After this decision is mailed, the application will be forwarded to Technology Center 2600 for further processing.

Telephone inquiries concerning *this decision* should be directed to the undersigned at (703) 305-0011.



Paul Shanoski
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Office of Petitions
United States Patent and Trademark Office

2 On December 18, 2002, a Request to Rescind Nonpublication Request was filed with the Office, but the Office was not notified about the foreign or international filing until May 19, 2003, when the notification was included with the instant petition.